

DNRC Policy#: 3-0130

Name: Sick Leave Policy

Reference MOM: 3-0130

Reference Other: _____

Approval Signature: Arthur R. Clinch

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Sick Leave Policy

I. Introduction

(A) The objectives of this policy are to establish functional uniform procedures for calculating and granting sick leave benefits, and to ensure compliance with the Montana Maternity Leave Act.

(B) Nothing in this policy guarantees approval of the granting of such leave in any instance. Each request will be judged by the appropriate supervisor in accordance with this policy.

II. Definitions

(A) "Abuse of sick leave" means misrepresentation of the actual reason for charging an absence to sick leave and may include chronic persistent, or patterned use of sick leave.

(B) "Break in service" means a period of time in excess of five working days when the person is not employed and that severs continuous employment. A break in service could result from a termination or resignation or could result from an absence of more than five working days in a row without an approved leave of absence.

(C) "Continuous employment" means working within the same jurisdiction without a break in service of more than five working days or without a continuous absence without pay of more than 15 working days. An approved continuous leave of absence without pay exceeding 15 working days does not constitute a break in service.

(D) "Immediate family" means the employee's spouse and any member of the employee's household, or any parent, child, grandparent, grandchild, or corresponding inlaw.

(E) "Qualifying period" means a 90-calendar day period an employee must be continuously employed to be eligible to use sick leave credits or to be eligible for a lump sum payment upon termination for unused sick leave credits.

(F) "Sick leave" means a leave of absence with pay for a sickness suffered by an employee or immediate family.

(G) "Sick leave credits" means the earned number of sick leave hours an employee is eligible to use upon completion of the qualifying period.

III. Conditions for Use of Sick Leave

An employee may use sick leave credits for:

(A) illness;

(B) injury;

(C) medical disability;

(D) maternity related disability, including prenatal care, birth, miscarriage, abortion or other medical care for either employee or child;

(E) quarantine resulting from exposure to contagious disease;

(F) medical, dental or eye examination or treatment;

(G) care of or attendance to an immediate family member for above and care of or attendance to another relative, for above, at the agency's discretion; and,

(H) death or funeral attendance for an immediate family member or, at the agency's discretion, for another person.

IV. Accrual and Use of Sick Leave Credits

(A) All employees serving in positions that are permanent, temporary, seasonal, part-time, and intermittent are eligible to earn sick leave credits.

(B) Sick leave credits accrue from the first day of employment.

(C) An employee must be continuously employed for the qualifying period of 90 calendar days to use sick leave.

(D) Leave may not be advanced nor may leave be taken retroactively.

(E) When terminated, seasonal employees will receive lump sum payments of appropriate accrued unused leave. Upon reinstatement, the employee will not receive credit for leave which has previously been compensated. Seasonal employees must immediately report back to work when notified by DNRC and/or operations resume.

(F) Sick leave credits will not accrue for overtime (those hours exceeding 40 per workweek that are paid at time and a half) or compensatory time.

(G) An employee may not accrue sick leave credits while in a leave without pay status.

(H) Where an employee who has not worked the qualifying period for use of sick leave takes an approved continuous leave of absence without pay exceeding 15 working days, the amount of time on leave of absence will not count toward completion of the qualifying period. The leave of absence exceeding 15 working days is not a break in service and the employee will not lose any accrued sick leave credits or lose credit for time earned toward the qualifying period. An approved continuous leave of absence without pay of 15 working days or less will be counted as time earned toward the 90-day qualifying period.

V. Calculation of Sick Leave Credits

(A) Sick leave credits are earned at the rate of 12 working days for each year of service for full-time employees and are prorated for part-time employees.

(B) If an employee is regularly scheduled to work 80 hours or more in a bi-weekly period:

(1) The employee accrues 3.69 hours of sick leave credits per pay period; and

(2) the sick leave credits are to be rounded to two digits beyond the decimal point and carried in the employees account in that configuration.

(C) If the employee is regularly scheduled to work less than 80 hours in a bi-weekly pay period or works intermittently, the employee accrues .046 hours of sick leave credits for each hour worked.

(D) Sick leave credits are earned at the end of each biweekly pay period. These sick leave credits may not be used until the start of the next bi-weekly pay period.

(E) There is no restriction as to the number of hours of sick leave credits that may be accumulated, nor to the number of accrued sick leave credits that may be used for a bona fide employee illness or disability, provided that the qualifying period has been completed.

VI. Rate of Salary Compensation

An employee on authorized sick leave is entitled to the employee's normal gross salary.

VII. Sick Leave Requests and Procedure

(A) Notification of absence because of illness, injury, and/or quarantine, shall be made to the immediate supervisor or proper authority as soon as possible on the first day of

absence. If the absence is for more than one day, the immediate supervisor shall be notified of the approximate day and time of return to work.

(B) Whenever possible, notification of absence shall be made in advance to the immediate supervisor or proper authority for maternity or medical related disability, medical, dental, or eye examination or treatment; and funeral attendance.

(C) The immediate supervisor or proper authority should notify the appropriate DNRC receptionist of the absence of staff as soon as possible.

(D) If the immediate supervisor or proper authority is not notified in accordance with this policy, such absence may be charged to leave without pay, available compensatory time, annual leave with mutual agreement of the employee and the employee and the authorized Department of Natural Resources and Conservation authority, and/or other appropriate action.

(E) If the immediate supervisor or proper authority is satisfied that the request is justifiable, employees may use sick leave credits for attendance to a relative other than immediate family and death or funeral attendance for another person other than immediate family.

(F) The employee's immediate supervisor or appropriate authority may require medical certification of sick leave charged against any sick leave credits. The medical certification shall be provided by a licensed physician, and contain sufficient detail in order that improper use of sick leave credits be discovered and corrected.

(G) A statement by a licensed physician may also be required to certify that the illness of a family member requires the immediate supervision of the employee.

(H) Medical certification of extended maternity-related sick leave must be obtained in the same manner and under the same conditions as certification for other sick leave.

(I) The Department of Natural Resources may require an employee to be examined by a licensed physician of the DNRC's choice. The DNRC shall pay the costs of such an examination.

VII. Sick Leave Records

Sick leave credits used must be recorded to the nearest one-half hour when fractions of hours are used.

IX. Sick leave on Holidays

Sick leave taken over a holiday may not be charged to an employee's sick leave for that day.

X. Lump Sum Payment Upon Termination

(A) When an employee terminates employment with the Department of Natural Resources and Conservation, the employee is entitled to cash compensation for unused sick leave credits equal to one-fourth of the compensation the employee would have received if the employee had used the credits, provided the employee has worked the qualifying period.

(B) An employee who receives a lump-sum payment and is again employed by any agency shall not be credited with any sick leave for which the employee has previously been compensated.

(C) The value of unused sick leave is computed based on the employee's salary rate at the time of termination.

(D) Accrual of sick leave credits for calculating the lumpsum payment begins July 1, 1971.

(E) Sick leave credits earned prior to July 1, 1971 just be used first.

XI. Abuse of sick leave

(A) Misrepresentation of the actual reason for charging an absence to sick leave is cause for dismissal and forfeiture of the lump-sum payment.

(B) Chronic, persistent, or patterned use of sick leave may be subject to progressive discipline.

(C) Absences improperly charged to sick leave may, at the agency's discretion, be charged to available compensatory time or leave without pay. Annual leave may be used at the mutual agreement of the employee and the agency.

(D) Any charges of sick leave abuse that result in an employee's dismissal and forfeiture of the lump-sum payment are subject to the appropriate grievance procedure.

XII. Industrial Accident

An employee who is injured in an industrial accident may be eligible for worker's compensation benefits. Use of sick leave must be coordinated with receipt of workers' compensation benefits on a case-by-case basis. If this should occur, please contact the DNRC personnel director for clarification.

XII. Sick Leave Substituted for Annual Leave

At DNRC's discretion, an employee who experiences an appropriate use of sick leave as defined in this policy while taking approved annual vacation leave may be allowed to substitute accrued sick leave credits for annual leave credits.

XIV. This policy shall apply to full-time employees or part-time employees, permanent, temporary or seasonal.

This policy shall be used unless it conflicts with negotiated labor contract provisions, which shall take precedence to the extent applicable.